Appendix

Statute Involved

Article 2 of the Workmen's Compensation Law, entitled "COMPENSATION", §13-d thereof, as amended by L. 1941, c. 307, § 2 (prior to amendment by L. 1944, c. 459, § 3), provided as follows:

"§ 13-d. Removal of physicians from lists of those authorized to render medical care.

1. The medical society or board that has recommended the authorization of physicians to render medical care under this chapter shall investigate, hear and determine all charges of professional or other misconduct by any authorized physician, as herein provided, under rules and procedure to be prescribed by the industrial council of the department of labor and shall report evidence of such misconduct, with their determination thereon to the commissioner. Such investigation, hearing, report and determination may be made by the board of an adjoining county upon the request of the medical society of the county in which the alleged misconduct or infraction of this chapter occurred. The industrial council of the department may review the determination of such medical society or board, and on application of the physician accused must do so, and may reopen the matter and receive further evidence. The decision and recommendation of such industrial council shall be final, binding and conclusive upon the industrial commissioner.

2. *The commissioner shall remove* from the list of physicians authorized to render medical care under this chapter the name of any physician who he shall find *after reasonable investigation* is disqualified because such physician (a) *has been guilty of professional or other misconduct* or incompetency in connection with medical services rendered under this chapter; or

(b) has exceeded the limits of his professional competence in rendering medical care under this chapter or has made materially false statements concerning his qualifications in his application for the recommendation of the medical society in the county in which his office is located, or of the board designated by it, or of a board as provided in section thirteen-b; or

(c) has failed to submit full and truthful medical reports to the commissioner, the industrial board, or the employer within the time limits provided in section thirteen-a, subdivision four, of this chapter with the exception of injuries which do not require more than ordinary first aid or loss of time beyond the working day or shift; or

(d) has rendered medical service under this chapter for a fee less than fixed by the commissioner as the minimum rate in his locality; or

(e) *has participated in the division, transference, assignment, rebating, splitting or refunding of a fee for medical care under this chapter;* or

(f) has solicited, or has employed another to solicit for himself or for another the professional treatment, examination or care of an injured employee in connection with any claim under this chapter.

Nothing in this section shall be construed as limiting in any respect the power or duty of the commissioner to investigate instances of misconduct, *either before or after investigation by a medical society* or board as herein provided, or to temporarily suspend the authorization of any physician that he may believe to be guilty of such misconduct." (Italics supplied.)